

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SADALLAH NASSAR,

Case No.1:12 CV 2293

Plaintiff,

Judge Christopher A. Boyko

v.

REPORT AND RECOMMENDATION

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Magistrate Judge James R. Knepp, II

INTRODUCTION

Plaintiff Sadallah Nassar filed a Complaint (Doc. 1) against the Commissioner of Social Security seeking judicial review of the Commissioner's decision to deny supplemental security income (SSI). The district court has jurisdiction under 42 U.S.C. § 1383(c)(3). This matter has been referred to the undersigned for a Report and Recommendation pursuant to Local Rule 72.2(b)(1). For the reasons stated below, the undersigned recommends Plaintiff's Complaint be dismissed for failure to prosecute.

PROCEDURAL HISTORY

The Court granted Plaintiff's motion to proceed *in forma pauperis* on September 11, 2011. (Doc. 4). On October 14, 2012, *pro se* Plaintiff filed a Motion For Appointment of Counsel (Doc. 10), which the Court denied because Plaintiff failed to show his civil case involved exceptional circumstances. (Doc. 11); *See Willett v. Wells*, 469 F.Supp. 748, 751 (E.D. Tenn. 1977).

On September 19, 2012, the Court issued an Order requiring Plaintiff to file his brief on the merits within 30 days after Defendant filed its answer and transcript. (Doc. 5). Defendant filed its answer and transcript November 21, 2012. (Docs. 12, 13). Plaintiff neither filed a brief nor sought an extension of time within which to do so. Accordingly, on January 30, 2013, the Court issued an

Order requiring Plaintiff to file his brief in 14 days or to show cause why his case should not be dismissed for want of prosecution. (Doc. 14). In response, Plaintiff filed a letter again requesting appointed counsel and advising his wish that his case not be dismissed.

Again, Plaintiff has failed to allege his case is sufficiently complex for the Court to exercise its discretion and appoint counsel. Accordingly, Plaintiff's request for appointment of counsel was denied for the reasons set forth in the Order dated October 17, 2012. (Doc. 11). Finally, the Court allowed Plaintiff a final 14-day extension to file his brief on the merits. (Doc. 16). In this Order, the Court informed Plaintiff his case would be dismissed for want of prosecution if he did not file a brief on the merits. (Doc. 16). Plaintiff failed to comply with that Order. This Court has three times given Plaintiff a deadline by which to file his brief on the merits, and he has not done so.

CONCLUSION AND RECOMMENDATION

For all the foregoing reasons, the undersigned therefore recommends dismissal for failure to prosecute.

s/James R. Knepp II
United States Magistrate Judge

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen days of service of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See U.S. v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).